

**Minutes of Proceedings of Monthly Meeting of
Nenagh Town Council held in the Civic Offices, Nenagh
on Monday, 25th February, 2008**

Councillors Present: Cllr. S. Morris Cllr. T. Moylan
 Cllr. S. Farrell Cllr. V. O'Dowd
 Cllr. H. McGrath Cllr. J. O'Connor
 Cllr. T. Mulqueen

Also Present: P. Heffernan, Town Manager
D. Purcell, Town Clerk
S. O'Callaghan

Apologies: M. Woulfe, Town Engineer
Cllr. T. Sheary, Cllr. T. Morgan

The Mayor, Cllr. S. Farrell presided.

1. To consider Minutes of January Monthly Meeting

It was proposed by: Cllr. S. Morris
Seconded by: Cllr. T. Moylan
and agreed that the minutes be adopted.

To consider Minutes of Adjourned January Monthly Meeting

It was proposed by: Cllr. S. Morris
Seconded by: Cllr. T. Moylan
and agreed that the minutes be adopted.

2. To consider Minutes Action Plan

Traffic Lights Improvements at Market Cross

Cllr. O'Connor requested clarification that the build outs on Kenyon Street and Pearse Street would not be removed as part of these works. The Town Manager confirmed that this was the case.

Dromin Road Improvements

Cllr. McGrath asked for an update on these works. The Town Manager replied that the Council were waiting for the ESB to move poles. Cllr. O'Connor asked if this work had been ordered. The Town Manager replied that it had been ordered for some time and he had expected that it would have been carried out by now.

Cllr. O'Connor asked if the portion of the Dromin Road in the County area was to be improved. The Mayor replied that she had raised this issue at the Nenagh Newport

Area Committee Meeting and had been told that the County Council did not intend to carry out these works and hoped that it would be done as part of private development along the road. The Members expressed dissatisfaction with this response and asked the Mayor to raise the matter again at the next Area Meeting.

The Members also asked that the urgency of the Benedine Improvements Scheme be raised with the County Council and that the Design Office be asked to prepare documents for CPO as soon as possible.

Action Plan for Yewston Estate

Cllr. Morris asked how the action plan circulated had been drawn up. The Town Clerk replied that the Town Engineer had met with the residents and the action plan was the outcome of that meeting. Cllr. Morris said that he had walked around the estate with one of the residents and there were other items which had not been included on the Town Engineer's list such as the entrance from Thomond Place, holes in footpaths and ESB sub-stations restricting access to back of houses. The Mayor said that the residents also had concerns regarding the area between Yewston and Annbrook Heights. The Town Manager replied that he would be coming back to the Members with a Part VIII proposal for a housing scheme in this area. Cllr. McGrath supported Cllr. Morris regarding additional works to be carried out. The Town Manager agreed to discuss the matter with the Town Engineer.

Contributions to Local Organisations

The Mayor asked when the scheme would be advertised for 2008. The Town Clerk suggested that it be advertised early in the year and that all applications for the year should be considered together. It was agreed that the scheme would be advertised and all groups who were allocated funding in 2007 be written to informing them of the closing date.

Mecon Water System

Cllr. Moylan asked could the Council provide funding for this as there was no grant aid available. The Town Manager said that he had asked the Environmental Awareness Officer to contact the schools to ascertain how many already had these devices fitted. He said that he would come back to the Members when he had this information. Cllr. O'Connor said that he had also suggested providing this system to sporting facilities in the town and asked that this be taken on board.

3. To note Manager's Orders

Noted.

4. To note Planning Register

Noted.

5. To consider Manager's Report on and to adopt Casual Trading Bye-Laws

The Town Manager said that this item had been on and off the agenda for many years and that the absence of bye-laws made it difficult for the Council to control ad hoc trading in the town. He said that the draft bye-laws had been advertised and two submissions received which were outlined in his report. He strongly recommended to the Members that they adopt the bye-laws.

It was proposed by: Cllr. T. Moylan

Seconded by: Cllr. S. Morris

and agreed that the Draft Casual Trading Bye-Laws be adopted in accordance with the Casual Trading Act, 1995.

The Town Clerk informed the Members that there would be an annual licence fee of €100 and an annual bay fee of €100 for the minimum bay size of two spaces or €150 of the maximum bay size of three spaces.

6. To consider amendments to Traffic & Parking Bye-Laws

The Town Manager said that a lot of work was being done on amendments at present and asked the Members to submit any suggestions they may have in order that they may be incorporated.

Cllr. Moylan asked if these bye-laws would cover the new car park at the Railway Station. The Town Manager replied that this would be covered under different bye-laws. He hoped to bring draft amended bye-laws to the next meeting. Cllr. Moylan suggested that people who park all day should be encouraged to use the Railway Station Car Park in order to free up other spaces in the town centre and maybe the pricing structure could be looked at. The Mayor asked that the hours for parking in loading bays be clearly signed.

The Town Manager said that there would not seem to be the same pressure on parking spaces since the new car park at the Railway Station had been opened which was welcome. He said in order to better manage parking in the town he proposed to encourage long-term parking to the Railway Station Car Park by controlling the hours and the pricing structure. He said that he had been asked by CIE not to charge any more than €2 per day for parking at the Railway Station. He said that annual permits were currently available at €250 which was approximately €1 per day. He proposed to come back to the Members with very attractive parking rates at the Railway Station to encourage its use and to discontinue all-day parking in some other car parks.

Cllr. O'Connor referred to a problem with parking in residential areas and asked that the Council consider putting double yellow lines in certain areas, Yewston in particular.

Cllr. Moylan asked if the change with regard to annual permits would also apply to residents permits. The Town Manager replied that this would not be reasonable.

Cllr. Morris asked if Ball Alley Lane could be included in the bye-laws. The Town Manager replied he would be proposing double yellow lines in this area.

7. To discuss Unfinished Estates in the Town

The Mayor asked for an update on this matter. The Town Manager replied that the draft policy on taking in charge of estates was at an advanced state and being considered by the Planning Strategic Policy Committee. If passed by this committee, it would be brought to the Members at the March meeting. He said that staff were working on compiling a list estates and dates when they would have to be taken in charge.

8. To discuss Street Signage

The Town Clerk informed the Members that staff were in the process of trying to identify companies with appropriate signage and he would come back to the Members with proposals.

9. To discuss Approach Roads Committee

The Mayor said that she had met with representatives of the Chamber of Commerce with the Nenagh/Newport Area Members and this issue had been discussed in connection with Nenagh's recent poor result in the IBAL league. She said that approach roads had been assigned to Members after their election but these committees had not got off the ground and should be resurrected. Cllr. Moylan felt that if this were to happen there should be some form of direction and expertise for these committees. The Mayor asked that this item be left on the agenda and agreed to raise the matter again at an Area Meeting and revert to the Members.

Cllr. Moylan asked for an update on the recruitment of a horticultural/landscape professional to work with the Tidy Towns Committee. The Town Manager replied that additional resources had been included in the 2008 Budget towards the Tidy Towns effort. He said that a landscape consultant had been engaged to draw up a plan for the town. Based on this he hoped to take on someone with a horticultural/landscape background to work with the Tidy Towns Committee. He said that the terms of reference of the Approach Roads Committee should be to harness voluntary effort. The Tidy Towns Committee are to organise a clean up on the N52 Link Road and it would be a major advantage to have this done in advance of any IBAL inspection in 2008. He said that the Town Council would do all it could to assist the Tidy Towns Committee and proposed to recruit additional manpower to help the effort in the town. The entire system of street cleaning is also being looked at to see what improvements can be made.

The Town Manager said that everybody in the town had something to do with the Tidy Towns and that it would be very interesting to see the response to the effort on the N52 Link Road. If successful, this may be rolled out into other areas and maybe incorporated in the National Spring Clean. He said that if anybody wanted to be

considered for a role on a voluntary basis to contact either the Tidy Towns Committee or the Town Council.

10. To discuss Town Centre Car Parking

Cllr. McGrath asked for an update on the O'Rahilly Street Car Park. The Town Manager replied that he had had a discussion with an official in the Department that day and received a more favourable response than previously.

11. To discuss Nenagh Castle Project

The Town Manager informed the Members that all archaeological investigations had been completed and the architect was making some final changes to plans for submission of a planning application.

The Members expressed frustration with the state of the castle field and the fact that it had not yet been handed over to the Council. It was agreed that the Oireachtas Members in North Tipperary would be invited to attend meetings with the Members to discuss this matter and the Military Barracks and that Deputy Hoctor would be invited to the March Meeting.

The Mayor suspended standing orders at this point to deal with Notices of Motion.

17. To consider Notices of Motion

1. Notice of Motion in the name of Cllr. Virginia O'Dowd

"That Nenagh Town Council will support Earth Hour 2008 by turning off all non-essential lights controlled by the Council from 9.00 to 10.00 p.m. on 29th March 2008 to support a collective worldwide effort to show the difference that can be made by this initiative and to raise public awareness of the need to use less energy."

Cllr. O'Dowd asked that a letter be issued to the Chamber of Commerce to support this initiative also. The Town Manager replied this would be done but said that the Council would not have any non-essential lights burning at this time.

2. Notice of Motion in the name of Cllr. Hughie McGrath

"That Nenagh Town Council look at putting in place funding for estates where there is no solid boundary."

Cllr. McGrath referred in particular to the boundary between Derrylavin Heights and Millmount which was an overgrown ditch. He felt that a solid boundary was needed and wished to allocate funding to carry out works. The Town Manager replied that this could become a very big issue. He said that the boundaries currently in place were there since these estates had been constructed. The Council had been advised very strongly by the residents of Millmount that this was a private estate. Cllr. McGrath said that the Council had a wayleave along the boundary and a boundary

fence should be erected. The Town Manager replied that a wayleave was just a right to lay a watermain and there was no requirement on the Council to erect a boundary fence. Cllr. McGrath asked that the grass be cut up to the Millmount boundary. The Town Manager said that this was included in the grass cutting contract which was about to be advertised. Cllr. Moylan said that he understood that the issue was in relation to trees which had been felled along the boundary by the Council and nothing had been put in their place. He supported Cllr. McGrath and suggested that a hedge be planted to re-establish the actual boundary.

3. Notice of Motion in the name of Cllr. Seamus Morris

"In the light of the new online genealogy service that this Council explores the best way to promote Irish/American genealogy and therefore tourism to Nenagh by finding a better way to use our Mayor's trips to America and better value for our taxpayers by setting a works programme for the Mayor to do on behalf of the people of Nenagh and finding one city to twin with in the best interest of promoting tourism."

Cllr. Morris felt that the Council should come up with a package which the Mayor and Town Manager could take to the USA with them for St. Patrick's Day to promote Nenagh and the use of the Genealogy Service. The Mayor replied that they would be meeting with the Tipperary Mens Association in New York. The Town Manager assured the Members that they would do everything they could to promote Nenagh while in New York. He said that twinning with a city in the USA would be difficult as twinning was mainly concentrated on the EU and should be with a town with which Nenagh would have something in common. He said that the Genealogy Service was something Nenagh now had to offer and he would talk to the Tipperary Mens Association and any other local associations in New York. He and the Mayor proposed to take literature about the Genealogy Service to New York with them.

4. Notice of Motion in the name of Cllr. Seamus Morris

"That this Council hire an independent assessor to carry out an assessment on a fair and proper compensation package for the residents of St. Josephs Park affected by the Abbey Furniture building inflicted on them through no fault of their own. And that there is a speedy and successful ending to the enforcement proceedings so that we can finally find out who is going to repay the residents for their loss of light and devaluing of their properties."

Cllr. Morris said that he had waited a long time to get to the bottom of who was responsible for this issue and asked how long enforcement proceedings could go on. The Town Manager replied that there was no provision in planning law for the type of compensation Cllr. Morris was suggesting and it would be wrong if peoples' hopes were raised by this type of motion. He said that the Council had provided all documents requested by the Ombudsman in relation to the case. Most enforcement issues had been rectified by the developer and there were only some small discrepancies between the dimensions of what was constructed and what planning permission had been granted for. Cllr. Morris said that he had spoken to the Ombudsman's office the previous week and had been told that they were finished with this file. He wanted to know who to blame and felt that somebody had to take responsibility. He said that he had not shown this motion to the people of St. Joseph's Park.

The Town Manager said that there was a process in planning and if people did not engage in the process at the appropriate time it was too late when the development was being constructed. The Council had given planning permission in good faith and no submissions had been received. The matter had been debated by the Members in advance of the decision being taken. Cllr. Morris said that he did not accept this. Every rule of overshadowing had been broken in this case and it was bad planning as far as he was concerned.

Cllr. Moylan said that he understood the Ombudsman had closed the file but he had not seen any report. The Town Manager replied that the last correspondence he had received from the Ombudsman was requesting information which had been provided.

Cllr. McGrath asked what discrepancies were there between what had been constructed and what planning permission had been granted for. The Town Manager replied that after he had been appointed Town Manager he had met with the developer and negotiated reduced height in some areas but the apex was slightly higher. He said that overall this was better for the people of St. Joseph's Park than that which was originally proposed.

Cllr. O'Connor wished to second the motion. Cllr. O'Dowd felt that the people of St. Joseph's Park had been hard done by and she would like to see the Ombudsman's report. The Town Manager said that it was very difficult for the Ombudsman to do anything where people who had a statutory right to become involved in a process did not do so. Once the final order had been signed and the appeal period had expired there was nothing anyone could do.

Cllr. Morris said that he would not accept this and responsibility should lie either with the planner who gave permission for the development or the developer who built it. The Town Manager said that the planner only made a recommendation and the order granting permission was signed by the Town Manager. He reiterated that there was no provision for this type of compensation and he saw no merit in pursuing the matter any further.

Cllr. Morris said that he refused to let this issue go away and he intended to bring a Section 140 to the next meeting.

Cllr. Morris withdrew this motion.

12. To discuss Scouts Hall

The Town Manager said that submissions were to be received by the end of March.

13. Correspondence

Motion received from Shannon Town Council

"That Shannon Town Council calls on the HSE to provide accommodation for Cystic Fibrosis (CF) patients in single rooms in private hospitals as an interim solution to cater for CF patients until the planned opening of a new 120 bed unit at St. Vincent's

Hospital in 2010, and that this resolution be circulated to all local authorities for their support."

It was agreed that this motion be supported.

Motion received from Macroom Town Council

"In light of the 2006 statistics that 14,598 dogs were put to sleep by local authorities not to mention the number of dogs put down by individuals, Macroom Town Council calls on the Government to introduce a microchipping and neutering/spaying incentive scheme to curb unwanted dogs (suggestion: licence for a neutered dog = €10, licence for unneutered dog = €150)."

It was agreed that this motion be supported.

14. Town Mayor's Business

The Mayor referred to dumping at Lisboney Burial Ground and asked that people dispose of their rubbish properly.

The Mayor reminded the Members that the Mayors Charity Ball would take place on Saturday, 22nd March and tickets would be available the next day.

15. Town Manager's Business

The Town Manager informed the Members that he and the Mayor had received an invitation from the Tipperary Men's Association in New York to attend their St. Patrick's Day festivities.

16. Town Clerk's Business

The Town Clerk referred to correspondence received from the Gardai regarding the National Crime Reduction and Prevention Strategy and asked the Members to send in their submissions by 20th March in order that they could be collated and returned by 31st March.

The Town Clerk asked the Members when they wished to meet the Senior Planner. Cllr. Morris suggested that it be left until after the March meeting as Deputy Hooctor would be invited to attend that meeting.

The Town Clerk reminded the Members that the forms for the Statutory Assessment of Housing Need should be submitted by 7th March.

18. Any Other Business

Cllr. Morris said that he had sent some queries to the Town Engineer but had not received any response. Cllr. O'Connor suggested that a list of engineering requests from the Members be drawn up. The Town Manager said that if any Members had any outstanding issues they should be put in writing and he would look into them.

Cllr. McGrath asked that Nenagh Leisure Centre be put on the monthly agenda. He felt that this issue should be pushed forward to see if there is funding available. The Town Manager replied that he had written to the Department asking if there was funding available and, if so, how much.

This concluded the business of the meeting.

Mayor: _____

Town Clerk: _____

Date: _____